

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHARLOTTE FRANKLIN,

Plaintiff,

v.

GLENWOOD BEHAVIOR HOSPITAL., et
al.

Defendants.

Case No. 1:25-CV-44

Judge Michael R. Barrett

ORDER

This matter is before the Court on the Magistrate Judge's report and recommendation ("R&R"), (Doc. 13), regarding Plaintiff Charlotte Franklin's motion for leave to proceed in forma pauperis ("IFP") on appeal, (Doc. 12). Proper notice has been afforded to the parties under 28 U.S.C. § 636(b)(1)(C), including notice to Franklin that she may forfeit rights on appeal by failing to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Although the Magistrate Judge ordered the Clerk of Court to refuse any applications by Franklin to proceed IFP in newly initiated cases for a period of sixty days, (Doc. 7, PageID 52), the instant motion was accepted for filing because it seeks IFP status for an appeal. In any event, after dismissing the underlying matter in its entirety based upon Franklin's failure to adhere to basic pleading standards or provide any basis for subject matter jurisdiction, the Court certified in writing that an appeal would not be taken in good faith and denied leave to proceed IFP on appeal. (Doc. 8, PageID 56). To the

extent that Franklin seeks reconsideration of that determination, she puts forth no legal or factual reason for the Court to do so.

In relevant part, Federal Rule of Appellate Procedure 24 provides that a party may proceed IFP on appeal unless the Court “certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding.” Fed. R. App. P. 24(a)(3)(A). Therefore, should Franklin seek to proceed IFP on appeal, she must move for leave to do so by filing a motion in the United States Court of Appeals for the Sixth Circuit. See Fed. R. App. P. 24(a)(5). As for Franklin’s filing in response to the R&R, (Doc. 16), it contains nothing resembling a coherent objection, even under an exceedingly liberal standard of construction.

For the foregoing reason, the R&R is **ADOPTED** in full, and the motion is **DENIED**. Franklin is again **FORMALLY WARNED** that frivolous filings before the Court may result in her being declared a vexatious litigant subject to prefiling restrictions or sanctions. (See Doc. 8, PageID 56).

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett
United States District Judge